

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:19CR283
	)	
Plaintiff	)	HON. PATRICIA A. GAUGHAN
	)	
vs.	)	
	)	
TORIANO A. LEAKS, JR.,	)	<b><u>DEFENDANT'S TRIAL BRIEF</u></b>
	)	
Defendant	)	
	)	

Now comes Defendant Toriano A. Leaks, Jr., by and through undersigned counsel, and respectfully submits his Trial Brief in this matter.

Respectfully submitted,

s/ Roger M. Synenberg  
ROGER M. SYNENBERG (0032517)  
Synenberg & Associates, LLC  
55 Public Square, Suite 1331  
Cleveland, OH 44113  
(216) 622-2727  
(216) 622-2707 FAX  
lawoffice@synenberg.com

*Counsel for Toriano A. Leaks, Jr.*

## **TRIAL BRIEF**

### **A. STATEMENT OF THE FACTS**

On April 10, 2019, Bedford Police initiated a traffic stop on a vehicle that Defendant Toriano A. Leaks, Jr. was driving through Bedford, Ohio. There were three other individuals in the car at the time of the traffic stop. Mr. Leaks and front-seat passenger Dwayne Bolden were on their way to work second shift when the vehicle was stopped. The owner of the vehicle, Breana Binion, was in the back seat. Ms. Binion and the remaining rear-seat passenger, Spirit Page-Fletcher, were to remain with the vehicle while Mr. Leaks and Mr. Bolden finished their shift. At this time, all four individuals would return home.

Subsequent to the traffic stop, Mr. Leaks was questioned by Bedford Police. Mr. Leaks was aware that he possessed an outstanding warrant. As a result, Mr. Leaks initially gave police his brother's name. Once positively identified by Bedford Police, Mr. Leaks was notified of the outstanding warrant for his arrest. Officers then conducted a search of the vehicle and located a Glock handgun and several magazines of ammunition, hidden and out of sight, in front of the rear left passenger's seat.

The evidence at trial will show that the other three passengers, Mr. Bolden, Ms. Binion, and Ms. Page-Fletcher, all stated the gun belonged to Mr. Leaks. However, there is no physical evidence or forensic testimony that can place the firearm in the hands of Mr. Leaks.

### **1. STIPULATIONS**

Defendant Leaks and the United States have not entered into any stipulations.

### **2. PROPOSED JURY INSTRUCTIONS**

The Defendant respectfully requests that this Honorable Court submit to the jury the joint proposed instructions that the United States filed in this matter as Doc. # 18.

**3. PROPOSED VOIR DIRE QUESTIONS**

The Defendant respectfully requests that this Honorable Court direct the joint proposed questions to the jury panel during voir dire examination that the United States filed in this matter as Doc. # 19.

**4. ANTICIPATED EVIDENTIARY AND/OR LEGAL ISSUES**

There are no evidentiary and/or legal issues that the Defendant reasonably anticipates to arise at trial at this time.

**5. ESTIMATED LENGTH OF TRIAL**

Undersigned counsel for Defendant Toriano A. Leaks, Jr. reasonably estimates that this trial will have a length of two to three days.

**6. EXHIBITS**

Defendant's exhibits will be marked before trial with exhibit stickers. Defendant will also exchange its proposed Exhibit List with counsel for the United States and place all exhibits in three-ring binders prior to trial in accordance with this Honorable Court's order.

Respectfully submitted,

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*Counsel for Toriano A. Leaks, Jr.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular US mail. Parties may access this filing through the Court's system.

s/Roger M. Synenberg  
ROGER M. SYNENBERG